

# Farmers' Markets:

A Guide to Licensing and Inspection in Waukesha County, WI



Provided by Waukesha County Environmental Health Division  
Administration Center – Room AC 260  
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## What is a Farmer's Market?

Traditionally, a farmer's market is a place where farmers sell their products directly to the consumer. This promotes regional agriculture and supplies fresh, local food products to residents. Nowadays, in addition to traditional food products such as; produce, meat, eggs, honey, and cheese; products such as; cider, canned goods, bakery, "restaurant" style food, and craft items are also available.

## Steps to take in order to participate as a food vendor at a farmers' market:

- 1 – Contact the market coordinator to determine if space available and a fee is involved.
- 2 – Contact Waukesha County Environmental Health to determine which license is needed from our department, if any.
- 3 – Provide a copy of license to the market coordinator along with any other information they may need.
- 4 – An onsite inspection will be made for routine or licensing purposes, or both. Be sure to bring your original license to every market.
- 5 – If multiple markets are attended simultaneously, a separate license is needed for each location.

## General requirements for farmers' markets:

- Food must be protected from consumer contamination through the use of lids and covers; this includes samples.
- Sampling must be done using a safe method, i.e. toothpicks, tongs, etc.
- Samples should be prepped prior to the market to keep food handling to a minimum. If they are prepped on site, this should be done in a protected manner.
- For any food handling other than strictly pre-packaged items, handwashing needs to be provided by each vendor.
- Ready to eat items may not be handled with bare hands.
- Product temperatures need to be maintained at a minimum of 135f for hot potentially hazardous foods and 41f for cold potentially hazardous foods. Frozen foods shall be maintained frozen.
- Store food a minimum of 6" off the ground.
- Display items (not for sale) must have a sign stating "Display Only."

## Specific licensing and handling information by food type.

### Meat:

- All meat must be inspected and passed at a WI or Federally inspected facility.
- A DATCP(Department of Agriculture, Trade, and Consumer Protection) Mobile Retail license or Waukesha County Farmers' Market license is required.
- Product labeling requirements include: product name, ingredients (if more than one), name and address of packer or distributor, handling statement, inspection legend (WI or USDA), and safe handling instructions.

### Poultry:

- If < 1000 birds, all poultry must be slaughtered at a WI or Federally inspected facility. If > 1000 birds, all poultry must be slaughtered at a WI or Federally inspected facility and have bird by bird inspection.
- A DATCP Mobile Retail license or Waukesha County Farmer's Market license is required.
- Product labeling requirements include: name, ingredients (if more than one), name and address of distributor or processor, inspection legend (WI or USDA), handling statement, and safe handling instructions.

### Bakery:

- A food processing license is required. For pre-packaged non-potentially hazardous items, a license at the market is not required. For unpackaged and/or potentially hazardous items a DATCP Mobile Retail license or Waukesha County Farmers' Market license is required.
- Labeling of unpackaged products requires; product name on placard by product and binder or placard with ingredient information available to customers.
- Labeling of packaged products requires; product name and net weight, ingredients, business name and address, handling instructions if necessary, nutritional information required for special nutritional, health or quality claims.
- NOTE – **If** bakery products are packaged in transparent containers and sold by the bakery operator or employee directly to the consumer **and** the baker of the establishment has produced the products, **then** a counter card, sign or binder with the labeling information is acceptable.

### Honey and Maple Syrup:

- A food processing license is not required for "raw" honey. If it is heated to 160f to inhibit crystallization, a food processing license is needed from DATCP.
- A food processing license is not required for sales of maple syrup under \$5000 per licensing year, unless it is sold for resale.
- A DATCP Mobile Retail License or a Waukesha County Farmers Market license is not required.

### Eggs:

- A food processing license is required, on the farm for washing, packaging, and cold holding the eggs. Exception: *If the eggs are produced at a farm licensed as a Wisconsin Dairy Plant per ATCP 70.03(7)(c) then a food processing license is not required.*
- A DATCP Mobile Retail license or Waukesha County Farmer's Market license is required.
- Labeling of egg cartons requires: product identity, name and address of packer or distributor, quantity, grade and size or "Ungraded", Keep Refrigerated, date of packing, Expiration / Sell by date (not to exceed 30 days including day of pack), Safe Handling Instructions.
- Storage at 41f or below.

## **Juice and Cider:**

- No food processing license required by the grower.
- Juice / cider processed by someone other than the grower and harvester must be produced under a HACCP plan containing a 5 log reduction process.
- If the juice is potentially hazardous, a DATCP Mobile Retail license or Waukesha County Farmer's Market license will be required.
- No license is required for cider.
- Labeling requirements include: name, ingredients (if more than one), name and address of processor or distributor, net volume in fluid measure, handling instructions "Keep Refrigerated" or "Refrigerate after Opening".
- If the juice /cider is not pasteurized, the main label must bear the following warning statement set off by a box:

**WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems.**

- Untreated (not pasteurized) juice/cider must be maintained refrigerated at 41f or below.

## **Cheese Curds:**

- All cheese curds offered for sale must be manufactured at a licensed food processor.
- A DATCP Mobile Retail or Waukesha County Farmer's Market license is required.
- Cheese curds must be maintained at 41f or below except fresh cheese curds may be displayed out of refrigeration at any location on the day they are made or for a period up to 24 hours after the time of manufacture. The package must be labeled with the date and time of manufacture. Fresh cheese curds must be discarded after 24 hours.
- Labeling requires: name of product, ingredients, Net weight or volume, name address, and zip code of manufacturer, packer, or distributor, "Keep Frozen / Refrigerated" (if necessary).

## **Cheese:**

- All cheese offered for sale must be manufactured at a licensed food processor.
- A DATCP Mobile Retail or Waukesha County Farmer's Market license is required.
- Labeling requires: name of product (the word cheese must be included), State ID – either the words WISCONSIN or the #55 indicates Wisconsin, Dairy plant and Vat ID number, date of manufacture – alphanumeric, numeric, or Julian calendar date, ingredients, name and address of the packer, distributor, or processor, net weight, and nutritional information.
- Soft and semi-soft cheeses with a moisture content above approximately 43% require refrigeration as do cold pack cheeses. Hard cheese, hard grating cheeses with a moisture content below approximately 43%, and pasteurized process cheese do not require refrigeration except when the hard cheese is oiling off or is unpackaged. Please note that the seller is required to provide evidence of the moisture content of the cheese if questioned.

## **Canned goods:**

- A food processing license is required.
- A DATCP Mobile Retail or Waukesha County Farmer's Market license is not required for non-potentially hazardous canned food items.
- Labeling requires: name of product, ingredient listing, net weight or volume, name, address, and zip code of manufacturer, packer, or distributor, nutritional information required for special nutritional, health or quality claims, "Refrigerate after Opening" (if necessary).

## **Pickle Bill:**

- Products included: fruits and vegetables with a pH value of 4.6 or lower (jams, jellies, sauerkraut, pickles, and salsa).
- Products excluded: low-acid canned foods: vegetables, fish, meat, sauces, dressings, or condiments, lemon curd, pesto, pickled eggs, baked goods, dried, processed or packaged foods, etc.
- No license is required provided the following conditions are met: product is a pickled fruit or vegetable being sold only at a farmers market (or community/social event in WI), and sales do not exceed \$5000/year. A sign must be posted stating, “These canned goods are homemade and not subject to state inspection.”
- Labeling requires: name and address of processor, date the food was canned, the following statement: “This product was made in a private home not subject to state licensing or inspection.”, ingredient listing using common names.

**Note:** Those who are canning are encouraged to attend and complete an approved training course for properly preparing and canning foods and have their recipes and processes reviewed by a knowledgeable person who is recognized as an expert of the preparation and canning of foods.

For further information about the “Pickle Bill”: [http://datcp.wi.gov/Food/Home\\_Canned\\_Foods/index.aspx](http://datcp.wi.gov/Food/Home_Canned_Foods/index.aspx)

## **Produce:**

- For uncut fruits and vegetables, no license is required.
- If cut samples are provided, safe food handling practices must be followed.

## **Restaurant / Retail type of foods:**

- Example food types: soups, sandwiches, coffee drinks containing milk, egg rolls, etc.
- A DATCP Mobile Retail, DHS (Department of Health Services) Temporary, or Waukesha County Temporary Event license is required.
- Additional guidelines are available for Temporary Events.

## **Contacts:**

Waukesha County Environmental Health: 515 W. Moreland Blvd., AC Room 260 Waukesha WI, 53188  
Phone: (262) 896-8300 – Fax: (262) 896-8298

For food processing licenses and Mobile Retail licenses: Wisconsin Department of Agriculture Trade and Consumer Protection – Division of Food Safety. Phone: (608) 224-4700 <http://www.datcp.state.wi.us/index.jsp>

## **Waukesha County Farmers’ Markets:**

Butler Farmers’ Market:	Contact: Susan Hesselgrave, (414)840-6602	Mondays 12 noon – 6pm
Brookfield Farmers’ Market:	Contact: Bobbi Harvey, (262)784-6451	Saturdays 7:30 am – 12 noon
Delafield Farmers’Market:	Contact: Lisa Thortenson, (262)443-6451	Saturdays 7 am – 1pm
Dousman Farmers’ Market:	Contact: Judy Engel, (262)968-4566	Wednesdays 2pm – 6pm
Menomonee Falls Farmers’ Market:	Contact: Barb Watters, (262)251-8797	Sundays 9am – 2pm
Mukwonago Area Farmers’ Market:	Contact: Chamber of Commerce (262)363-7758	Wednesdays 12 noon – 6 pm
The Farmers’ Market at Piala’s Nursery:	Contact: Nancy, (262)547-2677	Thursdays 3pm – 7pm
New Berlin Farmers’ Market:	Contact: Chamber of Commerce (262) 786-5280	Saturdays 8am – 2pm
Oconomowoc Farmers’ Market:	Contact: Pat Ornberg, (262)567-2666	Saturdays 7:30am – 12 noon
Waukesha Farmers’ Market:	Contact: John Ward, (262)549-6154	Saturdays 8am – 12pm
Pewaukee Market on the Hill:	Contact: Margaret Ellibee (262)691-5207	Wednesdays 3 – 6:30
North Lake Country Farmers’ Market: (Nashotah)	Contact: Jen Becker (262)966-1800	Thursdays 3:30 – 6:30

**“This guide is meant to provide general information, for detailed questions please see the ‘Contacts’ section above.”**